



Comptroller General
of the United States

Washington, D.C. 20548

McAuliffe

Decision

Matter of: Crystal Cruises, Inc.

File: B-238347

Date: February 1, 1990

Richard D. Gluck, Esq., Lillick & Charles, for the protester.
Lars Hanslin, Esq., Office of the General Counsel, Department of the Interior, for the agency.
Susan McAuliffe, Esq. and Andrew Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest against the award of concession permits for five cruiship entries into national park is not for consideration under General Accounting Office's bid protest function since it does not concern a procurement by a federal agency of property or services within the scope of the bid protest provisions of the Competition in Contracting Act of 1984.

DECISION

Crystal Cruises, Inc., protests the award to Cunard Line, Inc., of concession permits for five cruiship entries into Glacier Bay National Park and Preserve under a prospectus issued by the National Park Services, Department of the Interior, on October 11, 1989. Crystal contends that the agency improperly failed to apply the evaluation criteria stated in the prospectus and unreasonably decided to award all five available cruiship entry permits to a single applicant, Cunard.

The bid protest provisions of the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551-3556 (Supp. IV 1986), provide that the Comptroller General shall decide a protest concerning an alleged violation of a procurement statute or regulation if the protest is filed in accordance with the

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bid protest provisions of CICA. 31 U.S.C. § 3352. These provisions define a "protest" as a written objection to a solicitation by an executive agency "for the procurement of property or services" or the proposed award or award of such a contract. 31 U.S.C. § 3551. The issuance of a permit for a franchise fee granting a right of access to government land and property under the authority of 16 U.S.C. § 3 (1988), which provides for granting of such concessions by the Secretary of the Interior, is not a procurement of property or services within the meaning of CICA. The granting of the right of access here is in the nature of a sale by the agency of a permit or license to enter government property. Under these circumstances, there is no basis for us to review the protest. See generally Columbia Communications Corp., B-236904, Sept. 18, 1989; 89-2 CPD ¶ 242; San Francisco Bay Brand, Inc., B-227988, July 31, 1987, 87-2 CPD ¶ 122; Jefferson Bank & Trust, B-228563, Oct. 23, 1987, 87-2 CPD ¶ 390.

The protest is dismissed.

Michael N. Golden

for
Ronald Berger
Associate General Counsel